



Date: September 30, 1996

Case No.: 96-JSA-3

In the Matter of

DAPHNE LESLIE  
Complainant,

v.

MOBILE EMPLOYMENT SERVICE,  
Respondent

### ORDER TO SHOW CAUSE

This proceeding arises under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. § 49 et seq., and the Department of Labor regulations issued at 20 C.F.R. Part 658.

On March 24, 1995 Complainant filed a timely complaint against the Mobile Employment Service Office, alleging that personnel in the Mobile office misled her concerning a job interview. Pursuant to the Complaint, on June 12, 1995, Complainant was notified to appear for a formal hearing scheduled for June 30, 1995. Due to Complainant's failure to appear at the hearing, the Hearings and Appeals Division issued a Decision on July 6, 1995 dismissing the Complaint against the Mobile Employment Service pursuant to the regulations.

Complainant appealed the July 6, 1995 Decision, and on August 3, 1995, the Hearing Officer's determination of July 6, 1995 was affirmed. Complainant appealed this determination, and on March 3, 1996, this matter was referred to this Office.

In light of the foregoing, Complainant, is hereby ORDERED to show cause, within twenty (20) days from the issuance of this Order why an order of dismissal should not be adopted in this case as a result of Claimant's failure to appear at the June 30, 1995 hearing. Failure to comply with this Order may result in a decision pursuant to 20 C.F.R. § 658.425(a)(3), which states, in pertinent part, that the Administrative Law Judge may "[r]ule that reasonable cause exists to believe that the appeal has been abandoned...." See also 29 C.F.R. § 18.6(d)(2)(v).

JOHN M. VITTON  
Chief Judge

JMV/mc